

Wetlands Bureau Decision Report

Decisions Taken
01/16/2006 to 01/22/2006

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MINOR IMPACT PROJECT

2004-00756

BRADLEY, JOSEPH & JULIE

GILFORD Lake Winnepesaukee

Requested Action:

Repair 20 linear ft of dry-laid stone retaining wall, reduce a 10 ft 6 in x 17 ft 6 in concrete ramp to 6 ft in width, replace an existing 6 ft x 36 ft seasonal pier connected to a 6 ft x 53 ft seasonal pier by a 6 ft x 12 ft walkway with a 4 ft x 36 ft piling pier connected to a 6 ft x 53 ft piling pier by a 4 ft x 12 ft walkway, construct 6 ft wide access steps to the lake and construct a 20 ft x 17 ft perched beach landward of the existing retaining wall on 100 ft of frontage on Governor's Island, Gilford.

APPROVE PERMIT:

Repair 20 linear ft of dry-laid stone retaining wall, reduce a 10 ft 6 in x 17 ft 6 in concrete ramp to 6 ft in width, replace an existing 6 ft x 36 ft seasonal pier connected to a 6 ft x 53 ft seasonal pier by a 6 ft x 12 ft walkway with a 4 ft x 36 ft piling pier connected to a 6 ft x 53 ft piling pier by a 4 ft x 12 ft walkway, construct 6 ft wide access steps to the lake and construct a 20 ft x 17 ft perched beach landward of the existing retaining wall on 100 ft of frontage on Governor's Island, Gilford.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on May 26, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Existing rocks which have fallen shall be used for repair of the retaining wall.
4. Retaining wall shall be reconstructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
5. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
6. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32).
7. The steps installed for access to the water shall be located completely landward of the normal high water line.
8. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
9. This permit shall be used only once, and does not allow for annual beach replenishment.
10. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
11. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
12. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
13. These shall be the only structures on this water frontage.
14. Pilings shall be spaced a minimum of 12 ft apart as measured center to center.
15. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minor impact project per Rule Wt 303.03(d), modification of a 3 slip docking facility.
2. The proposed modifications to the docking facility will not increase the number of boat slips provided on the frontage.
3. The proposed modifications to the docking facility will reduce the construction surface area over public submerged lands by 96 sq ft and therefore meets the requirements of Rule Wt 402.20, Modification of Existing Structures.

2004-01304

CIAMPOLI, BEATRICE

ALTON Coffin Brook

Requested Action:

Dredge and fill a total of 2338 square feet including installation of two 15-inch x 24 foot culverts and the installation of an arch culvert 24 ft x 5 ft x 3 ft for access a proposed single family lot in the subdivision of 42 acres into two single family residential lots.

Conservation Commission/Staff Comments:

Closed ENF #2004-1304 as it is a violation on a different property. Ms. Ciampol sold Lot #48 to Scoppettuolo's Enf. File # 2004-2724.

APPROVE AMENDMENT:

Dredge and fill a total of 2338 square feet including installation of two 15-inch x 24 foot culverts and the installation of an arch culvert 24 ft x 5 ft x 3 ft for access a proposed single family lot in the subdivision of 42 acres into two single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Thomas Varney PE dated June 6, 2004, and revised through November 2, 2005, as received by the Department on November 3, 2005.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Work shall be done during low flow.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
17. Proper headwalls shall be constructed within seven days of culvert installation.
18. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban
19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
21. Silt fencing must be removed once the area is stabilized.
22. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

The Department reaffirms findings 1-5 of the original approval and makes the following additional findings:

6. The Town of Alton driveway standards require a 14 foot wide driveway for all drives 501 feet or longer.

2005-00682 157 PORTSMOUTH AVENUE RESIDENTIAL DEVELOPMENT LLC
BRENTWOOD Unnamed Wetland

Requested Action:

Request for name change to: 157 Portsmouth Avenue Residential Development LLC, 157 Portsmouth Ave. Suite 2, Stratham NH 03885 per request received 1/18/06.

Conservation Commission/Staff Comments:

Conservation Commission comments are addressed.

APPROVE NAME CHANGE:

Dredge and fill a total of 3,125 square feet of wetlands including 200 square feet of roadside ditch impact at entrance, and 225 square feet for grading, and 2,700 square feet to install a 18" x 36' culvert, for construction of a roadway for a 9-lot subdivision on 32.6 acres.

With Conditions:

1. All work shall be in accordance with revised plans by Jones and Beach Engineering Inc. dated 5/10/2005, as received by the Department on 5/23/2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #11 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. The applicant shall coordinate with the Conservation Commission to post signage along certain wetlands boundaries on the site in order to protect particularly sensitive areas from future encroachment by home owners.

2005-00947 DEMBIEC, SARA-JANE
HOLDERNESS Little Squam Lake

Requested Action:

Dredge and fill 3450 square feet of palustrine forested wetland including installation of a 17 foot x 18-inch culvert for access to the existing structure on the property.

Conservation Commission/Staff Comments:

The Holderness Conservation Commission is opposed to the proposed project.

APPROVE PERMIT:

Dredge and fill 3450 square feet of palustrine forested wetland including installation of a 17 foot x 18-inch culvert for access to the existing structure on the property.

With Conditions:

1. All work shall be in accordance with plans by Hambrook Land Surveying dated November 2004, as received by the Department on May 9, 2005.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. This permit does not allow any changes to the existing structure on the property.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Work shall be conducted during low water conditions.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The Belknap County Superior Court on December 14, 2005, ordered the existing access to lot 1 extinguished.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-01621 DUNBARTON 88
DUNBARTON Unnamed Wetland

Requested Action:

Dredge and fill 11,086 square feet of wetlands including 475 linear feet of intermittent stream for access to a proposed 83 unit condominium complex and temporarily impact 240 square feet of wetlands for sewer line installation.

Conservation Commission/Staff Comments:

The Dunbarton Conservation Commission (Con Com) view of the proposed project is that the applicant has made an effort to minimize disturbance to the wetlands. The Con Com's main concern is construction and future impacts to the Beaver Pond, but the Con Com is convinced Bob Pike understands that value of the beaver pond and is committed to ensuring that it is minimally impacted. The Con Com asks that the Department emphasize the use of BMP's.

The Department of Fish and Game requested that any vernal pools on-site receive a 100-foot buffer, the use of open bottomed culverts at stream crossings and important wetland crossings, minimization of impacts and maximized buffers to scrub-shrub wetlands and involvement in any sitewalk.

APPROVE PERMIT:

Dredge and fill 11,086 square feet of wetlands including 475 linear feet of intermittent stream for access to a proposed 83 unit condominium complex and temporarily impact 240 square feet of wetlands for sewer line installation.

With Conditions:

1. All work shall be in accordance with plans by McCourt Engineering Associates, PLLC dated February 15, 2005 and revised through December 26, 2005, as received by the Department on January 10, 2006 and plans by McCourt Engineering Associates, PLLC dated February 1, 2005 and revised through January 11, 2006, as received by the Department on January 12, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Water Supply Engineering Bureau, Wells and Water Systems.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Work shall be done in dry conditions.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culverts shall be laid at original grade.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. Area of temporary impact shall be regraded to original contours following completion of work.
18. All material removed during work activities shall be removed down to the level of the original hydric soils.
19. All material removed during work activities shall be placed out of DES's jurisdiction.
20. Mulch within the restoration area shall be straw or seedless hay.
21. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
22. Photographs of the restored jurisdictional area shall be submitted to the Wetlands Bureau within 60 days of the completion of construction
23. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
24. This permit is contingent upon the execution of a conservation easement on 40.0 acres as depicted on plans received January 10, 2005.
25. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
26. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
27. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
28. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
29. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

30. No water withdrawal from Beaver Pond shall occur.
31. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
32. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(h), disturbance of more than 200 linear feet of intermittent stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. Design of the proposed subdivision and its access roads avoid Beaver Pond located southwest of the development and a large wetland complex west of the development area.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.
7. The Dunbarton Conservation Commission stated that it is the Commission's view that the applicant has made an effort to minimize disturbance to wetlands.
8. The Dunbarton Conservation Commission asked the Department emphasize the use of BMP's to control runoff during construction.
9. This permit is contingent on the installation of appropriate siltation/erosion/turbidity controls prior to construction, the maintenance during construction, and that controls remain until the area is stabilized.
10. The Department of Fish and Game requested that any vernal pools on-site receive a 100-foot buffer, the use of open bottomed culverts at stream crossings and important wetland crossings, and the minimization of impacts and maximization of buffers to scrub-shrub wetlands.
11. Isolated wetlands do occur on site, none exhibited vernal pool characteristics.
12. A single isolated wetland that exhibits vernal pool characteristics does occur in the easement area, but no evidence of use by breeding amphibians was noted.
13. One permanent intermittent stream crossing is proposed. The nature of the crossing does not allow for an open bottomed type crossing.
14. The proposed intermittent stream crossing connects a large wetland complex to the west to a highly developed area to the east consisting of a golf course and air strip.
15. Wildlife would be expected to move through the unfragmented wetland complex to the west and north of the development rather than the proposed intermittent stream crossing.
16. No scrub-shrub wetlands were delineated on-site.
17. Proposed mitigation includes a 40.0 acre conservation easement. The easement includes 15.7 acres of wetland, including 6.9 acres of Beaver Pond.

2005-02643 KING, DALE & KRISTEN
THORNTON Lee Brook

Requested Action:

Dredge and fill 800 square feet of wetlands along 20 linear feet of perennial stream to install a buried 36-inch x 20-foot culvert for driveway access to a single family residence.

APPROVE PERMIT:

Dredge and fill 800 square feet of wetlands along 20 linear feet of perennial stream to install a buried 36-inch x 20-foot culvert for driveway access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by Eldridge Septic Design as received by the Department on October 31, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done in dry conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. The culvert invert shall be 1-foot below grade.
8. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culverts shall be laid at original grade.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02661 TREAT, JANIS
LANCASTER Unnamed Wetland

Requested Action:

Retain 4,725 square feet of wetlands impact including 15 linear feet of intermittent stream and 45 linear feet of perennial stream for driveway access to a single family residence.

Conservation Commission/Staff Comments:

After the fact application - no enforcement action necessary; applicant is cooperative and current crossing is least impacting.

APPROVE PERMIT:

Retain 4,725 square feet of wetlands impact including 15 linear feet of intermittent stream and 45 linear feet of perennial stream for driveway access to a single family residence.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Existing after-the-fact crossing is least impacting.

MINIMUM IMPACT PROJECT

2005-00560 MILTON, TOWN OF
MILTON Hart Brook

Requested Action:

retain the replacement of a 5' x 40 ' culvert on Mason Road, along Hart Brook

Conservation Commission/Staff Comments:

This application is an ATF and corresponds to ENF #2005-421.

APPROVE AFTER THE FACT:

retain the replacement of a 5' x 40 ' culvert on Mason Road, along Hart Brook

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2005-01182 UNH, DON DOYON
DURHAM Unnamed Wetland

Requested Action:

Impact 300 square feet within the bed and banks of Reservoir Brook to reset an existing 42" RCP culvert and construct headwalls associated with the reconstruction of an existing sidewalk.

Conservation Commission/Staff Comments:

No Comments were received from the Durham Conservation Commission

APPROVE PERMIT:

Impact 300 square feet within the bed and banks of Reservoir Brook to reset an existing 42" RCP culvert and construct headwalls

for the reconstruction of an existing sidewalk.

With Conditions:

1. All work shall be in accordance with plans by McFarland-Johnson, Inc. dated May 2005, as received by the Department on May 31, 2005.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. All work associated with construction (and removal) of the temporary cofferdam or other water control device shall be designed and supervised by a professional engineer.
5. Work shall be conducted during seasonal low flow conditions.
6. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until the area is stabilized and suspended particles have settled and the water at the work area has returned to normal clarity.
7. Machinery shall not be located within surface waters. All work must be conducted from the top of the bank.
8. Machinery shall be staged and refueled in upland areas.
9. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in their use.
10. The temporary cofferdam or other water control device shall be constructed prior to commencing work on a substructure located within surface waters.
11. Temporary cofferdams or other water control devices shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam or other water control device is fully effective, confined work may proceed without restriction.
12. Temporary cofferdams or other water control devices shall be completely removed immediately following repair work.
13. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands, lined with hay bales or other acceptable sediment trapping liners, and set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Any material removed from the bed of the surface water to facilitate installation of the temporary cofferdam or other water control device shall be dewatered in upland areas discharging to sedimentation basins lined with erosion and siltation controls to prevent water quality degradation and disposed of outside the jurisdiction of the DES Wetlands Bureau.
15. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
16. Work shall be conducted in a manner that minimizes turbidity and sedimentation to surface waters and wetlands, and avoids excessive discharges of sediments to fish spawning areas.
17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
21. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. Per Wt 302.01, the need for the proposed impacts has been demonstrated by the applicant, as the banks of Reservoir Brook continue to erode.

3. Per Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction as a no-build alternative would not rectify the bank erosion and ultimately become a public safety issue. The relocation of the existing culvert and the construction of a headwall will stabilize the banks preventing further erosion.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a)&(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02518 BATH, TOWN OF
BATH Ammonoosuc River

Requested Action:

Repair of an existing Bath Village Covered Bridge pier. Work includes permanently impacting 116 square feet of Ammonoosuc River bed to construct a concrete footing and stone area and temporarily impact 1,615 square feet of bed along 59 linear feet for work space.

APPROVE PERMIT:

Repair of an existing Bath Village Covered Bridge pier. Work includes permanently impacting 116 square feet of Ammonoosuc River bed to construct a concrete footing and stone area and temporarily impact 1,615 square feet of bed along 59 linear feet for work space.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc. dated October 2005, as received by the Department on October 20, 2005.
2. The Town shall obtain temporary construction easements from affected landowners for work space and construction access and shall supply copies of the recorded easements to DES Wetlands File No. 2005-02518 prior to construction.
3. The proposed drawdown shall be done during annual low flow conditions and during the months of August through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game. Drawdown will be controlled by dams upstream and immediately downstream of the bridge.
4. No temporary impacts from construction access to the Ammonoosuc River bank are proposed. In the event temporary bank impacts are anticipated the applicant shall apply for a permit amendment.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
9. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
10. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
11. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
12. Post-construction photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of a perennial stream channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The Town of Bath Conservation Commission did not comment on the proposed project.
4. The NH Department of Fish and Game required the proposed drawdown be conducted during annual low flow conditions and

during the months of July through September. No in-stream work shall occur after October 1.

5. The NH Department of Fish and Game strongly recommended consultation with the NOAA Fisheries Service regarding restrictions on drawdown times.

6. The NOAA Fisheries Service required the proposed drawdown be conducted during annual low flow conditions, beginning in later July and through September. No in-stream work shall occur after October 1.

7. No dredging of the Ammonoosuc River bed is proposed.

8. Portions of the concrete footing and stone area will be slightly above river bed grade, but considering the height of the bridge will not restrict flow.

9. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

10. Proposed construction access is along an existing trail bed.

11. The applicant does not anticipate temporary impacts to the Ammonoosuc River bank from construction access.

12. This permit requires the applicant to apply for a permit amendment if temporary bank impacts are anticipated.

13. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02713 BLACKMAN, REV. GEORGE & MARION
CHICHESTER Unnamed Wetland

Requested Action:

Dredge and fill a total of 2800 square feet of palustrine forested wetland including installation of four 15-inch x 20 foot culverts for access to a proposed single family residence.

Conservation Commission/Staff Comments:

See findings.

APPROVE PERMIT:

Dredge and fill a total of 2800 square feet of palustrine forested wetland including installation of four 15-inch x 20 foot culverts for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Round Pond Survey dated November 2005, as received by the Department on November 9, 2005.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

4. Work shall be done during periods of non-flow.

5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

7. Proper headwalls shall be constructed within seven days of culvert installation.

8. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).be properly rip rapped.

9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission has expressed concerns regarding the siltation and erosion controls and the permanent stormwater control devices. Conditions 5, 8, and 9 address these concerns.

2005-02965 MCLAUGHLIN, GEORGE
SANDOWN Unnamed Wetland

Requested Action:

Impacts associated with subdivision

PBN DISQUALIFIED:

PBN Disqualified

FORESTRY NOTIFICATION

2006-00025 SMITH, MARTHA
DUBLIN Unnamed Stream

COMPLETE NOTIFICATION:

Dublin Tax Map 4, Lot# 63

2006-00038 HEWLITT-PACKARD / JAMES DIRICO
NASHUA Unnamed Wetland

COMPLETE NOTIFICATION:

Nashua Tax map A, Lot# 798

2006-00039 BICKNELL, JOHN
MEREDITH Unnamed Stream

COMPLETE NOTIFICATION:

Meredith Tax Map 25, Lot# 27F

OTHER BUSINESS

2006-00006 NEWINGTON CONSERVATION COMM.
NEWINGTON Prime Wetlands

Requested Action:

Request to approve designation of prime wetlands for the Town of Newington.

Conservation Commission/Staff Comments:

Newington Conservation Commission submitted request to designate prime wetlands within that town.

OTHER:

Designate Town of Newington Prime Wetlands, per report dated May 2005 by West Environmental Inc., as received by the Department on October 26 2005.

With Findings:

1. Based on review of the Town of Newington Prime Wetland Report by West Environmental, Inc. dated May 2005, as received by the Department on 10/26/2005, the NH Department of Environmental Services Wetlands Bureau has determined that the Report and associated maps identifying 18 wetlandsas designated Prime Wetlands comply with Administrative Rules Section Wt 701, Criteria and Evaluation, and Section Wt 702, Submission, and are therefore approved.

EXPEDITED MINIMUM

2005-02886 MICHAUD, JAMES
FREMONT Unnamed Wetland

Requested Action:

Impact 170 square feet of forested wetlands to install a 15-inch by 20-foot culvert for access to a single family residential lot of 2.00 acres as part of a 2-lot subdivision of 5.01 acres.

Conservation Commission/Staff Comments:

The Fremont Conservation Commission signed Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 170 square feet of forested wetlands to install a 15-inch by 20-foot culvert for access to a single family residential lot of 2.00 acres as part of a 2-lot subdivision of 5.01 acres.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated October 26, 2005, as received by the Department on December 8, 2005.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work shall be done during seasonal low flow conditions.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
8. No fill shall be done for lot development.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. Per Wt 302.01, the need for the proposed impacts has been demonstrated by the applicant, as the impacts are necessary to gain access to buildable upland.
3. Per Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction, as the wetland is crossed at the narrowest portion.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02978 MEKRUT TRUST, C/O CHERYL HARRY
MOULTONBOROUGH Unnamed Wetland

Requested Action:

Dredge and fill 600 square feet of palustrine forested wetland including installation of a 18-inch x 16 foot culvert for access to a proposed residence.

Conservation Commission/Staff Comments:

Please see findings.

APPROVE PERMIT:

Dredge and fill 600 square feet of palustrine forested wetland including installation of a 18-inch x 16 foot culvert for access to a proposed residence.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates for the Natural Resources, as received by the Department on December 21, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be conducted during low water conditions.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04 Projects involving alteration of less than 3,000 square feet in swamps or wet meadows.
2. The only buildable area of lot is on the far side of the wetlands.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. The tax map and lot number have been corrected on the application and are illustrated correctly on the plans.
7. The applicant has provided an 18 inch culvert to maintain the hydrology of the system.

SHORELAND VARIANCE / WAIV

2005-02706 GRAMITT, THOMAS
DEERING Deering Lake

Requested Action:

Increase the nonconforming primary structure's setback from 21 feet to 36 feet, increase the ridgeline height from 30 feet to 36 feet.

APPROVE CSPA WAIVER:

Increase the nonconforming primary structure's setback from 21 feet to 36 feet, increase the ridgeline height from 30 feet to 36 feet.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on November 14, 2005 and December 7, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
5. This approval does not allow lakeward expansion of the primary structure.
6. No open deck or porch constructed shall extend more than 12 ft towards the reference line.
7. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
9. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
10. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 foot primary building setback to Deering Lake and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of

protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

3. The applicant has proposed to install native shoreland plantings, submitted on December 7, 2005, and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, II.

PERMIT BY NOTIFICATION

2005-02261 DEZENZO, RAY
ALTON Lake Winnepesaukee

Requested Action:

Replenish an existing 190 sq ft perched beach with no more than 10 cu yd of sand and repair an existing 6 ft x 30 ft crib dock, in-kind, on 101 feet of frontage on Barndoor Island, in Alton.

PBN IS COMPLETE:

Replenish an existing 190 sq ft perched beach with no more than 10 cu yd of sand and repair an existing 6 ft x 30 ft crib dock, in-kind, on 101 feet of frontage on Barndoor Island, in Alton.

With Findings:

This project is classified as minimum impact project per Rule Wt 303.04(v).